IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 33958 of 2007(P)

PETITIONER:

JULIYAMMA,
H.S.A. GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
ERNAKULAM SOUTH, COCHIN-16.

BY ADV. SMT.SHAHNA KARTHIKEYAN

RESPONDENTS:

1. **DEPUTY DIRECTOR (EDUCATION), ERNAKULAM.**

2. **DISTRICT EDUCATIONAL OFFICER, ERNAKULAM.**

3. **HEADMISTRESS,**
   GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
   ERNAKULAM SOUTH, COCHIN-16.

BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE TRANSFER ORDER DATED 11.10.2007.

EXT.P2: COPY OF THE CERTIFICATE ISSUED BY THE INDIAN RED CROSS SOSCIETY DATED 13.11.2007.

EXT.P3: COPY OF GO(MS) 579/95 DATED 6.12.95.

TRUE COPY

P.A TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.33958 of 2007

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Dated this the 23rd day of November, 2007

JUDGMENT

The petitioner complains in this writ petition is that she had already completed 55 years on 05.10.2007 and she is continuing in service as per Rule 60(C) of Chapter 8 of Part I of Kerala Service Rules and she is now being transferred although she has only 4½ more month's time to retire in spite of protection from transfer available to her as a Counsellor of Junior Rad Cross Unit No.1. As per the Government Order applicable she is entitled to be retained at the present station is the contention raised. The learned Government pleader submits that the situation arises only because of reduction in staff strength on staff fixation. Whatever that may be in so far as, the petitioner has only 4½ month's more to retire, I am of the opinion that she should not be disturbed at this juncture. Therefore I direct that the petitioner be retained in the present station. However, if another teacher has to be transferred to accommodate the petitioner, that teacher shall be given re-transfer to the same

school on retirement of the petitioner.

The writ petition is disposed of accordingly.

S.SIRI JAGAN, JUDGE

dvs